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APPLE INC., A CALIFORNIA CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re iPhone Application Litigation

CASE NO. 11-MD-02250-LHK

CLASS ACTION

**DECLARATION OF LESLIE FITHIAN ON
BEHALF OF APPLE INC. IN SUPPORT
OF ADMINISTRATIVE MOTION TO
FILE UNDER SEAL PORTIONS OF
PLAINTIFFS' REPLY IN FURTHER
SUPPORT OF PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION
PURSUANT TO LOCAL RULE 79-5(C)**

HEARING:

Date: April 11, 2013
Time: 1:30 p.m.
Place: Courtroom 4
Judge: The Honorable Lucy H. Koh

1 I, Leslie Fithian, declare as follows:

2 1. I am in-house product counsel employed by Apple Inc. ("Apple"). Pursuant to Civil
3 Local Rules 7-11 and 79-5(c) and the Stipulated Protective Order entered by the Court on August 13,
4 2012 (Dkt. No. 89), I submit this Declaration in Support of Plaintiffs' Administrative Motion to File
5 Under Seal Portions of Plaintiffs' Reply in Further Support of Plaintiffs' Motion for Class
6 Certification (Dkt #176). The requested relief is narrowly tailored and necessary to protect the
7 confidentiality of the information contained in the exhibits attached therewith.

8 2. Exhibit 48 to the Declaration of Deborah Kravitz in Support of Plaintiffs' Reply Brief
9 Re: Motion for Class Certification discusses proprietary business, engineering, and design decisions
10 regarding Apple's proprietary iOS software, including particular highly confidential mechanisms for
11 implementing security in iOS devices. This information reflects Apple's confidential business and
12 marketing strategy and could be used by Apple's competitors to Apple's disadvantage. The
13 information could also be used by individuals or companies that might seek to compromise the
14 security of iOS devices, causing harm to Apple and users of Apple products. It is Apple's practice
15 and policy to strictly maintain the confidentiality of this information, and Apple does not disclose or
16 comment on its internal product development practices.

17 3. Plaintiffs also filed under seal Plaintiffs' Reply in Further Support of Motion for Class
18 Certification (the "Reply Brief"). The Reply Brief does not contain any Apple confidential
19 information, and Apple takes no position on the need for the Reply Brief to be filed under seal.

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1 4. Plaintiffs also filed under seal the Declaration of Lodovico Marziale, along with
2 accompanying exhibits. This declaration and accompanying exhibits do not contain any Apple
3 confidential information, and Apple takes no position on the need for the declaration to be filed under
4 seal.

5 I declare under penalty of perjury under the laws of the United States of America that the
6 foregoing is true and correct and that this declaration was executed on February 15, 2013 in
7 Cupertino, California.

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9 DATED: February 15, 2013



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11 LESLIE FITHIAN

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